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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

Plaintiff: Bo Xu

Case No. 07C 4919

V.

JUDGE MORAN

MAGISTRATE JUDGE DENLOW

Defendant: U.S. Consulate General Guangzhou, China

Date: March 4, 2008

**MOTION – Response to
Defendant Attorney's February 29, 2008 Motion**

On February 29, 2008, the defendant attorney filed a motion based on the Consular Nonreviewability. The defendant attorney's 2-29-2008 motion is ineffective, invalid, and null because:

1. The Consular Nonreviewability is limited to protecting the consular officer's administrative decision (granting or denying a visa) only on condition that no law, Constitution, or human right is broken. If a law, the Constitution, or human right is broken, the Consular Nonreviewability is invalid, inapplicable, and null.
2. The Consular Nonreviewability only provides administrative protection, and does not provide illegal or criminal protections. It cannot be applied to cases in which illegal or criminal activities are involved.
3. In this case, about 15 illegal violations of laws, the Constitution, and human rights are involved. Some violations such as the anti-Constitution, infringing on democracy, practice of dictatorship, interfering with and exerting pressure on the federal court justice system etc. are crimes and need further investigations. If applicable, these felonies need to be prosecuted under criminal laws.
4. With so many illegal and criminal activities involved, the Consular Nonreviewability is inapplicable, invalid, and null in this case. Therefore, the defendant attorney's 2-29-2008 motion is ineffective, invalid, and null.
5. In fact, the Consular Nonreviewability was the earliest response from the defendant more than one year ago when I questioned the defendant's violations. I told the defendant this case was not about the consular administrative decision. This case is about 15 violations of federal laws, the Constitution, and human rights. I then sent references on the 15 violations to the defendant. After

receiving my references, the defendant stopped mentioning the Consular Nonreviewability because it was clear that the Consular Nonreviewability is inapplicable, invalid, and null in this case.

6. On February 28, 2008, the defendant attorney called me asking me why the defendant singled my fiancée out, took away her right to the law, and did not treat her equally before the law? I said these were the questions I asked the defendant more than one year ago. But so far the defendant still has not provided answers to these questions.
7. The February 28, 2008 phone call indicated that the defendant attorney had not communicated with the defendant and did not know what really happened in the case. The defendant attorney failed to address the key issues of the case in the 2-29-2008 motion. Therefore, the 2-29-2008 motion is ineffective, invalid, and null.
8. Because the defendant failed to file an ANSWER within 60 days after service of summons, the judgment by default should be carried out against the defendant, and the defendant attorney's 2-29-2008 motion is ineffective, invalid, and null.
9. Because the defendant attorney's 2-29-2008 motion applied the Consular Nonreviewability to protect the defendant's illegal and criminal violations, the 2-29-2008 motion is ineffective, invalid, and null.
10. Based on the federal court rules, regulations, and procedures, the judgment by default should be made, followed, and reached months ago. Why it's so difficult to reach the judgment by default in this case? Does it mean that a government agency defendant is above federal laws, the Constitution, human rights, and federal court rules, regulations, and procedures?
11. Federal court represents the right and justice. It should be independent of influence from any government agency and third party. However, in this case the defendant has interfered with the federal court's rules, regulations, and procedures. According to FBI, this is a very serious crime threatening the integrity of the U. S. justice system, which could destroy the United States.
12. The government is elected by the people, and is funded by the taxpayer's money. The people/taxpayer are the shareholder and owner of the government (a company of the people). Government employees are employed by the people/taxpayer to run the company, and have the responsibility to execute laws for the people/taxpayer. They are not above laws, the Constitution, and human rights. Government employees are not above the government owner - people/taxpayer.
13. President Reagan said: "Government is not a solution to our problem, government is the problem." The problems in this case were created by the defendant as

follows. The defendant started with bureaucracy and arrogance, thought they were government officials with almighty power above everything, put themselves above federal laws, the Constitution, and human rights, acted like a world savior to let people/taxpayer to beg them to respect federal laws, the Constitution, and human rights. The defendant forgot they are only government employees employed by the government owner -- people/taxpayer, forgot everyone should respect and observe federal laws, the Constitution, human rights, and federal court rules, regulations, and procedures. They abused the power that people/taxpayers entrusted to them, and ended up with mass violations of federal laws, the Constitution, human rights, and federal court rules, regulations, and procedures, which have posed serious threats to the integrity of the federal law, the Constitution, human rights, and federal court justice system, etc.

14. On February 28, 2008, the defendant attorney called me saying it is his job to defend his client. There are some questions for the defendant attorney's saying. U.S. attorney is paid by taxpayer's money rather than by its client. So the U.S. attorney (the United States employee) and people/taxpayer (the United States owner) share the common goal -- defend the United States. It is U.S. attorney's top priority job, responsibility, and obligation to defend the United States.
15. If a government employee commits illegal or criminal activities, he/she will be lawbreaker or criminal, and will lose the government employee status. Defending a lawbreaker/criminal government employee is not defending the United States.
16. In this case, the integrity of U.S. federal laws, the Constitution, people/taxpayer's human rights, democracy, dictatorship prevention, U.S. justice system, etc. is in jeopardy. The questions are: (1) Why the U.S. attorney did not address these issues in his 2-29-2008 motion? (2) Why the U.S. attorney did not defend the United States? (3) Why the taxpayer's money was spent on defending the lawbreaker/criminal who undermine and threaten the United States?

In sum, the defendant attorney's 2-29-2008 motion is ineffective, invalid, and null. The judgment by default should be made, followed, and reached. The integrity of U.S. federal laws, the Constitution, people/taxpayer's human rights, democracy, dictatorship prevention, U.S. justice system, etc. should be defended.

Sincerely,



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